



4. For its response to Paragraph 4, KCECD admits that this court has jurisdiction over Plaintiff's claims under federal law, but denies that those claims have any validity.

5. For its response to Paragraph 5, KCECD admits that this court's jurisdiction over any claims brought under Tennessee state law is limited to claims that are so related that they form part of the same case or controversy under Article III of the United States Constitution. KCECD is without knowledge or information sufficient to form a belief as to whether Plaintiff's claims under state law satisfy this Court's jurisdiction, but KCECD denies that those claims have any validity.

6. KCECD admits the allegations of Paragraph 6.

7. KCECD admits the allegations of Paragraph 7.

8. KCECD denies the allegations of Paragraph 8. KCECD never "refused" to hire Plaintiff. KCECD chose to hire another qualified candidate.

9. KCECD admits the allegations of Paragraph 9.

10. KCECD denies the allegations of Paragraph 10. The hiring process was conducted pursuant to a process facilitated by the Knoxville Civil Service Board. Applications were rated by a Search Committee composed of designees of the Knoxville Civil Service Director, City of Knoxville Mayor, Knox County Mayor, Knox County Sheriff, Knoxville Police Chief and Knoxville Fire Chief. The Search Committee reviewed applications and narrowed the list of candidates to nine finalists.

The Selection Committee interviewed the nine finalists and made a hiring recommendation to KCECD's board of directors, which voted to accept the Selection Committee's recommendation. The Selection Committee was composed of KCECD Executive Director Allen Bull, Knox County Mayor Glenn Jacobs, Karnes Fire Chief Daron Long, Knoxville Mayor Madeline Rogero, Knoxville Fire Chief Stan Sharp, Knox County Sheriff Tom Spangler and Knoxville Police Chief Eve Thomas. The allegations concerning vicarious liability state a legal conclusion, so no response is required.

11. KCECD admits the allegations of Paragraph 11.

12. KCECD admits the allegations of Paragraph 12.

13. KCECD admits the allegations of Paragraph 13.

14. KCECD is without sufficient information to admit or deny the truth of the allegations of Paragraph 14, and demands proof.

15. KCECD is without sufficient information to admit or deny the truth of the allegations of Paragraph 15, and demands proof.

16. KCECD admits the allegations of Paragraph 16.

17. KCECD denies the allegations of Paragraph 17 as stated. There was no committee designated as the "Hiring Committee". KCECD admits that the Search Committee narrowed the candidates to nine finalists who were invited to participate in a public interview before the Selection Committee.

18. KCECD denies the allegations of Paragraph 18 as stated. The Selection Committee conducted public interviews of the nine finalists. After interviews closed, the Selection Committee invited three candidates to participate in a second public interview.

19. KCECD denies the allegations of Paragraph 19. The Selection Committee selected nine finalists, and two of those candidates were female. Plaintiff and two male candidates were invited for a second interview.

20. For its response to Paragraph 20, KCECD admits that the Selection Committee deliberated and voted to recommend hiring of Brad Anders as KCECD's Executive Director. That recommendation was approved by KCECD's board of directors at its next board meeting. Any allegations of Paragraph 20 inconsistent with this response are denied.

21. For response to Paragraph 21, KCECD admits that a copy of the job notice is attached as Exhibit B to the Complaint. That document speaks for itself.

22. For response to Paragraph 22, KCECD admits that Mr. Anders has a bachelor's degree, and that Mr. Anders had not worked or trained inside a call center. KCECD denies any inference that Mr. Anders' qualification for the position was in any way lacking.

23. KCECD lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23, and demands proof.

24. For its response to Paragraph 24, KCECD admits that it selected Mr. Anders for the position, but denies the allegation that Mr. Anders was lesser qualified.

25. For its response to Paragraph 25, KCECD responds that Exhibit B to the Complaint speaks for itself.

26. For its response to Paragraph 26, KCECD neither admits nor denies the allegations that KCECD “stated” certain facts, because the Complaint does not identify the context of those statements. KCECD admits that Paragraph 26 accurately lists some, but not all, of Mr. Anders’ qualifications for the position of KCECD’s Executive Director.

27. KCECD denies the allegations of Paragraph 27.

28. For its response to Paragraph 28, KCECD neither admits not denies that allegations that KCECD “stated” certain facts, because the Complaint does not identify the context of those statements. KCECD admits that the Selection Committee determined that Mr. Anders’ experiences should translate well to his ability to manage KCECD’s employees, as wells as KCECD’s relationship with key community public safety agencies.

29. KCECD is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 29 - 40, and demands proof.

30. For its response to Paragraphs 41 - 47, KCECD admits that Mr. Anders’ experience did not, at the time of his hiring, include the matters recited, but denies any allegation or inference that Mr. Anders was less qualified than Plaintiff to serve as

KCECD's Executive Director. Mr. Anders had substantial public safety experience, including experience serving on KCECD's board of directors.

31. Paragraph 48 is a repetition of Paragraph 24. For its Response, KCECD re-states its response to Paragraph 24.

32. For its response to Paragraph 49, KCECD states that all three candidates who were invited for a second interview were asked whether they would like to disclose anything that might be revealed from a search of their backgrounds.

33. For its response to Paragraph 50, KCECD is without knowledge or information sufficient to form a belief as to whether Plaintiff's responses were honest and accurate, and demands proof.

34. For its response to the first sentence of Paragraph 51, KCECD admits that Plaintiff discussed a local newspaper article that mentioned a complaint of potential misconduct between her and a 911 board member. KCECD is without knowledge or information sufficient to form a belief as to the truth of the second sentence.

35. For its response to Paragraph 52, KCECD admits that, after stating that the incident had been blown out of proportion, Plaintiff offered to answer any questions. KCECD is without knowledge or information to form a belief as to comments made at that time by Police Chief Eve Thomas, and demands proof.

36. For its response to Paragraph 53, KCECD is without knowledge or information sufficient to form a belief as to whether Plaintiff's response was open and

candid. KCECD admits that some members of the Selection Committee found Plaintiff's responses to be evasive and misleading, and felt that Plaintiff downplayed the incidents.

37. For its response to Paragraph 54, KCECD is without knowledge or information sufficient to admit or deny the results of Plaintiff's Google search of Mr. Anders. For further response, Mr. Anders acknowledged an administrative error in his video review of an officer-involved incident. He spoke of how he learned from this and improved his review process. Mr. Anders then went on to describe two previous employee-related incidents where Mr. Anders found wrong-doing by his subordinates and referred them for discipline. KCECD denies any allegations of Paragraph 54 inconsistent with this response.

38. KCECD admits the allegations of Paragraph 55.

39. For its response to the first sentence of Paragraph 56, KCECD admits that it selected and hired Mr. Anders because his skills and experiences made him best qualified candidate for the position, and that sub-paragraphs a, b and c outline some, but not all, of Mr. Anders' qualifications for the position of Executive Director. KCECD denies all other allegations of Paragraph 56.

40. For its response to Paragraph 57, KCECD admits that rating systems were available for use at various stages of the search process.

41. KCECD denies the allegations of Paragraphs 58 - 60.

42. For response to Paragraph 61, KCECD admits that the Selection Committee ultimately ranked Plaintiff as its third-rated choice, but KCECD hired only one candidate. KCECD denies that Plaintiff was “demoted”, and denies that the Selection Committee’s evaluation or recommendation was motivated by gender discrimination. The description of the other candidates as “lesser qualified” is subjective, and KCECD disagrees with and therefore denies that description.

43. For its response to Paragraph 62, KCECD admits that it did not check any of Plaintiff’s references before hiring Mr. Anders.

44. For its response to Paragraph 63, KCECD admits that a female has not yet served in the capacity of Executive Director, but several members of KCECD’s senior management are female. KCECD denies any inference that its hiring practices are discriminatory.

45. KCECD denies the allegations of Paragraphs 64 - 67.

46. For its response to Paragraph 68, KCECD adopts its preceding responses.

47. For its response to Paragraph 69, KCECD admits that Plaintiff is female and thus is a member of a protected class.

48. For its response to Paragraph 70, KCECD admits that it did not select Plaintiff for hiring as its Executive Director.

49. KCECD lacks sufficient knowledge to admit or deny the allegations of Paragraph 71, and demands proof.



50. KCECD denies the allegations of Paragraphs 72 - 78.
51. For its response to Paragraph 79, KCECD adopts its preceding responses.
52. For its response to Paragraph 80, KCECD admits that Plaintiff is female and thus a member of a protected class.
53. For its response to Paragraph 81, KCECD admits that it did not select Plaintiff for hiring as its Executive Director.
54. KCECD lacks sufficient knowledge to admit or deny the allegations of Paragraph 82, and demand proof.
55. KCECD denies the allegations of Paragraphs 83 - 89.
56. For its response to Paragraph 90, KCECD adopts its preceding responses.
57. KCECD denies the allegations of Paragraphs 91 - 92.
58. KCECD denies all allegations of the Complaint not admitted, denied or otherwise answered.
59. KCECD demands a jury to try the factual issues in this case.
60. KCECD denies that Plaintiff is entitled to injunctive relief or damages.
61. KCECD denies all allegations of the Complaint not previously admitted, denied or otherwise answered.

## **SECOND DEFENSE**

Plaintiff's prayer for injunctive relief should be denied because no grounds for such relief exist under 42 U.S.C.A. 2000e-5(g)(1) or any other provision of law.

## **THIRD DEFENSE**

Plaintiff's prayer for "emotional and mental distress, pain, suffering, anguish, stress, humiliation, embarrassment, loss of reputation, inconvenience, and loss of enjoyment of life; compensatory damages for emotional distress, embarrassment and humiliation" fails to state a claim upon which relief may be granted.

## **FOURTH DEFENSE**

Plaintiff's prayer for damages for "emotional and mental distress, pain, suffering, anguish, stress, humiliation, embarrassment, loss of reputation, inconvenience, and loss of enjoyment of life; compensatory damages for emotional distress, embarrassment and humiliation" is barred by the provisions of TENN. CODE ANN. §§ 29-20-201(a) and 205(2).

## **FIFTH DEFENSE**

Plaintiff's prayer for punitive damages fails to state a claim upon which relief may be granted. Furthermore, punitive damages cannot be awarded against governmental entities, including KCECD.

KCECD intends to rely on any other appropriate and available defenses to the Complaint which may arise from the litigation of this matter and reserves the right to amend this answer as information becomes available.

Having fully answered the allegations of the Complaint, KCECD moves the Court for dismissal of this action. KCECD demands a jury to try the factual issues in this case.

**KNOX COUNTY EMERGENCY  
COMMUNICATIONS DISTRICT**

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of May, 2021, a copy of the foregoing Answer of Defendant Knox County Emergency Communications District was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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